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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,687	09/17/2003	David M. Skinlo	Q137-US6	6258

31815 7590 10/15/2010  
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EXAMINER
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HODGE, ROBERT W

ART UNIT	PAPER NUMBER
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1729

MAIL DATE	DELIVERY MODE
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10/15/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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OCT 15 2010

Mailed :

In re Application of

Skinlo

Serial No. 10/665,687

Filed: September 17, 2003

For: ELECTRIC STORAGE BATTERY  
CONSTRUCTION AND METHOD OF  
MANUFACTURE

: DECISION ON  
: PETITION  
:  
:

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on August 18, 2010.

Applicant filed an Amendment on April 27, 2010. Applicant added new claim 90, which depended from claim 68, which in turn depended from claim 43. Claim 43 claims an electric storage battery. In the Office Action mailed July 13, 2010, the Examiner applied a restriction to claim 90. The Examiner asserted that the newly submitted claim was directed to an invention that is independent or distinct from the invention originally claimed because the claim is directed to a method of disassembling the battery of claim 68.

The Examiner set forth the position that since Applicant has received an action on the merits for the originally presented invention, this invention (claim 90) has been constructively elected by original presentation for prosecution on the merits. Claim 90 was withdrawn from consideration as being directed to a non-elected invention.

If, after an office action on an application, the Applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the Applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144.

Pending claims must be "given their broadest reasonable interpretation consistent with the specification. Claim 90 recites "the battery of claim 68". Limitations cited in claim 90 are structural limitations.

10/665,687

**DECISION**

The petition is **GRANTED.**

Claim 90 is to be rejoined.

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